



Montana Fish, Wildlife & Parks

EXHIBIT 7
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#B 389

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Ref: DO078-07
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House Fish, Wildlife and Parks Committee
60th Montana Legislature
Capitol Station
Helena, MT 59620

Dear Committee Members:

This letter provides additional information on public input regarding the 2005 Elk Management Plan, as requested by Representative Phillips.

The first attachment is the Decision Notice on the plan with the description of the public process.

The second attachment includes copies of pages from the Elk Plan itself explaining how population objectives are set for each elk management unit (EMU) (p. 54), how the public was involved in the process (p. 55) and the section of the plan dealing with the Tendoy EMU, where Rep. Barrett lives, including a summary of public input for that area. The entire plan can be viewed on the FWP website at: <http://fwp.mt.gov/hunting/elkplan.html>

Finally, the third attachment is an example of a justification for a regulation proposal from one of our regions. On the second page you will see how public input is gathered and summarized as part of our season-setting process.

If you have any other questions, please contact me.

Sincerely,

Christian A. Smith
Chief of Staff

DECISION NOTICE

Revision of Montana's Elk Management Plan

FWP prepared an Environmental Assessment (EA) to review the impacts associated with revision of Montana's Elk Management Plan. This decision notice summarizes the proposal, the issues raised by the public review of the draft revised Elk Management Plan and EA and the Montana Fish, Wildlife and Parks (FWP) response, and the final decision. This decision notice tiers to the Draft EA and incorporates it by reference.

Based on the analysis in the EA, the finding of no significant impacts in the EA, and the comments received it is the decision of FWP to adopt the proposed Alternative (B) – Adaptive Harvest Management for the revised Elk Management Plan with some minor modifications. Those modifications are described in the FWP response to the 12 areas of concern listed in the issues and responses section of this decision notice. The FWP Commission approved the Elk Management Plan at their meeting on December 16, 2004.

Proposal

Montana Department of Fish, Wildlife & Parks (FWP) and the FWP Commission propose to revise Montana's Elk Management Plan, which has existed without major changes since 1992. The major proposed change is the development and integration of an Adaptive Harvest Management (AHM) approach to elk population management and establishment of elk hunting regulations. At the Elk Management Unit (EMU) level, this includes specific objectives for indicators of elk population level, a set of hunting regulation packages (Standard, Liberal, and Restrictive) with population measurement criteria (triggers) for moving from one package to another, and a monitoring program that includes specific trend areas and parameters to be measured. This approach would directly tie recommended hunting regulation packages to results of monitoring data for elk population trend counts, sex/age ratios, and other factors. The proposed Regulation Packages in AHM are designed to be substantially different and produce measurable changes in the population. Thus, when the population is above or below its objective range; the proposed Liberal or Restrictive Regulation Packages are designed to quickly return the population to its objective range. The proposed Standard Regulation Package, employed when the population is within objective range, usually contains regulation(s) that provide more incremental annual changes (small adjustments) to maintain the population within objective range. The proposed action would occur across the entire state of Montana. The Elk Management Plan and EA are available on-line at www.fwp.mt.gov. To request printed copies, contact FWP, Wildlife Division, P. O. Box 200701, Helena, MT 59620-0701.

A Draft EA that assessed the impacts of two elk management alternatives was offered for public review on 24 September 2004. The two alternatives considered in the Draft EA were:

1. No Action – Continue management under the existing 1992 Elk Management Plan (Alternative A). This alternative would maintain the current programs and activities for managing and conserving elk as listed in the updated 1992 Montana Elk Management Plan. Most new actions described in the Draft revised Montana Elk Management Plan would not be adopted under this alternative. Adaptive Harvest Management (AHM) would not be adopted. This would mean that recommended pre-planned Regulation Packages at pre-planned population “trigger” levels would not be adopted. “Automatic” mitigation resulting from changes in harvest regulations at specific elk population “trigger levels” would not occur. Most proposals for enhanced monitoring of elk populations would not be adopted.

2. Adaptive Harvest Management – The proposed Action (Alternative B) (adopted with this decision notice). At the Elk Management Unit (EMU) level, this includes specific number objectives for indicators of elk population level (number counted during aerial surveys), a set of hunting regulation packages (Standard, Liberal, and Restrictive) with population measurement criteria (triggers) for moving from one package to another when elk populations are at, above, or below objectives, and a monitoring program that includes specific trend areas, methods, and parameters to be measured. This approach directly ties recommended hunting regulation packages to results of monitoring data for elk population trend counts, sex/age ratios, and other factors. Regulation Packages in AHM are designed to be substantially different and produce measurable changes in the population. Thus, when the elk population is above or below its objective range; the Liberal or Restrictive Regulation Package is designed to quickly return the population to its objective range. The Standard Regulation Package, employed when the population is within objective range, usually contains regulation(s) that provide more incremental annual changes (small adjustments) to maintain the population within objective range.

Public Process and Comment

In November 2002, FWP announced that the 10-year-old statewide Elk Management Plan would be updated and sought public comment on issues and concerns associated with elk and elk management in Montana. The call for comments (scoping for issues) was issued through news releases to Montana media organizations and by announcement of the FWP website. The comment period was set to close 30 December 2002, but comments through 18 February 2003 were used in the scoping process for preparing the Draft Revised Elk Management Plan.

FWP received 409 total responses to public scoping, including 14 responses from groups/agencies. Respondents were from 94 different Montana towns and 15 states other than Montana. Additionally, FWP used bills submitted to the Montana Legislature to scope for issues in preparing the Draft Revised Elk Management Plan.

Announcement of availability of the Draft Revised Elk Management Plan and EA was made on 23 September 2004 along with dates and locations of 23 public meeting sites. A 45 day public comment period from 24 September 2004 through 8 November 2004 was

also announced and both the Draft Elk Management Plan and EA were available on the FWP website by 24 September 2004. An address to request printed copies was also provided in the announcement. In addition to placing the announcement on the FWP website, copies of the announcement were sent to Montana news organizations. Information regarding the Draft Elk Management Plan and EA was also sent to Montana news organizations for use in the Outdoor Report for the week of 11 October 2004.

Additionally, a mailing was sent to 1,290 Montana landowners with at least 640 acres in elk habitat, 2,024 randomly selected elk hunters (1,816 Montana residents and 208 non-residents), the 409 individuals/groups who sent scoping comments, and 204 individuals/groups on a FWP "interested participant" list. That mailing included a cover letter explaining the process for comments, briefly described the Draft Elk Management Plan and EA, and contained a postcard for requesting copies of the Draft Elk Management Plan and EA.

The public meetings held between 2 October and 21 October 2004 were attended by 364 people at the 24 following locations (number of attendees): Kalispell (25), Thompson Falls (25), Libby (30), Missoula (44), Hamilton (32), Anaconda (3), Seeley Lake (4), Livingston (8), Ennis (8), Bozeman (29), Butte (15), Helena (6), Dillon (5), Great Falls (7), Lewistown (25), Roundup (10), Red Lodge (31), Billings (8), Glasgow (7), Malta (7), Havre (7), Plentywood (8), Miles City (17), and Glendive (3). The public meeting at Glendive was added after the initial announcement, so there were 24 public meeting sites.

Draft Elk Management Plans and EAs were sent to 384 people requesting them and an unknown number (more than 350) were handed out at the public meetings and through Regional offices.

On 16 November 2004, the FWP Commission announced that it was extending the comment period through 6 December 2004. Thus, comments were accepted for a total of 73 days.

A total of 198 different responses were received, 45 of which came during the extended comment period. This total came from 171 different individuals and 24 different groups/agencies. More than one individual signed several responses. Individuals and groups sending multiple comments were only counted once as different individuals/groups. Ninety-two emails representing 98 different individuals, 39 letters representing 41 different individuals, and 30 meeting location forms (most sent in) representing 32 different individuals were received. Twenty-four different groups/agencies responded 29 times. The responding groups/agencies were: USFS - Lewis & Clark National Forest, Montana Wildlife Federation, NPS - Yellowstone National Park, Montana Shooting Sports Association, Billings Rod & Gun Club, Skyline Sportsmen's Association, Dawson County Rod & Gun Club, Ravalli County Fish & Wildlife Association, Red Lodge Area Chamber of Commerce, Williams Coulee Grazing District, Charles M. Russell National Wildlife Refuge, Montana Wilderness Association, Elkhorn Working Group, Montana Bowhunters Association, Helena Hunters and Anglers Association, Gallatin Wildlife Association, NPS - Glacier National Park, Cabinet

Resource Group, Flathead-Kootenai Chapter Montana Wilderness Association, Montana Stockgrowers Association, Flathead Wildlife, Inc., Montana Outfitters and Guides, Red Lodge Rod & Gun Club, and Noxon Rod & Gun Club.

No new issues were raised by comments received in response to the Draft EA. Changes made or not made to the Draft Elk Management Plan in response to public comments and clarifications regarding the Plan and issues in the Plan are presented with FWP responses below:

ISSUES AND RESPONSES

The 198 responses referred to multiple issues. Few comments were related to adopting Adaptive Harvest Management, the issue in question in the EA. Only 37 individuals/groups/agencies expressed an opinion on the Alternatives: 29 favored Alternative B (Adaptive Harvest Management - the proposed action) and 8 favored Alternative A (Continue using the 1992 Elk Management Plan - No Action). Eighteen comments (12 of which did not refer to other issues) were requests to extend the comment period, which the FWP Commission granted. As during scoping, many comments were related to issues outside the scope of the EA or beyond the legal authority of FWP such as regulating outfitters, regulating ATVs on Federal lands, regulating habitat management on Federal lands, etc. The EA adequately discussed these issues and why they were not included in analyses. Other comments expressed support or opposition to specific regulation types, weapon choices, or management style (trophy, season length, etc.). These comments did not specifically affect choices between Alternatives A (No Action) and B (Adaptive Harvest Management). Four comments referred to hunting license fees, which were beyond the scope of the EA.

1. Proposed Restrictive Regulation limiting archery hunting to a limited number of permits in the Missouri River Breaks EMU when archery hunting contributes more than 50% of the bull elk harvest.

There were 13 total respondents to this proposed Restrictive archery regulation and the majority did not favor limiting archers to permits under any circumstances. However, some respondents did favor the limitation. Three respondents addressed the issue on a statewide basis. Some hunters see the issue as one of crowding rather than equity of harvest distribution. Some would like to limit only non-resident archery hunters, which is not a viable option. Others proposed alternate solutions such as every-other-year archery hunting.

RESPONSE: *The FWP Commission did not believe that a "trigger" based on social criteria (50% of the bull harvest by archers and 50% by rifle) should be imposed without further public comment or involvement. The archery regulation package was changed for Alternative B (proposed action) in the Final Elk Management Plan to include only the Standard Package as listed in the Draft. There is no Restrictive archery regulation package or criteria that would result in recommendation of a Restrictive archery package for the Missouri River Breaks EMU in the Final Elk Management Plan. However, the*

Commission directed the Department to further investigate the harvest allocation and hunter density issues and to do so at a broader geographic scale than just the Missouri River Breaks EMU.

2. General season hunting in the Silver Run/Line Creek portion of HD 520 (Absaroka EMU).

A typographical error in the Draft Elk Management Plan resulted in the omission of the qualification that general season hunting for antlerless elk only applied to HD 317, not HDs 520 and 560. The subject of general season hunting in the Silver Run/Line Creek portion of HD 520 received nearly the highest number of responses of any issue relative to the Elk Management Plan. All 17 comments on this subject were opposed to all general season hunting (including bulls) for the Silver Run/Line Creek portion of the elk population in HD 520.

RESPONSE: *Regulation Packages for the Absaroka EMU were re-written for Alternative B (proposed action) in the Final Elk Management Plan to define a permit only (including antlered elk) portion of HD 520 that includes the Silver Run/Line Creek elk herds. That area is: " the part of HD 520 south and east of the West Fork of Rock Creek." All elk hunting in this portion of HD 520 will be by limited permits with adjustments made among Regulation Packages in number of permits issued and length of time of hunting to maintain elk within population objectives.*

3. Process for changing elk population objectives in the Elk Management Plan.

Five comments were received that questioned whether elk population objectives could be changed as circumstances changed and how would (what was the process) for that change to occur. There was some internal concern about this issue also.

RESPONSE: *The Final Elk Management Plan contains a description of the criteria and process for changes to elk population objectives. That description and process is reproduced below: "As the AHM process evolves and we gain additional information from this process, there may be a need to change Population Objectives and Regulation Packages. Similarly, catastrophic events that create significant habitat changes, reasonable recommendations from Community Working Groups, and changes in landownership might also affect elk populations, objectives, and regulations. The public has been concerned about how and when such changes might be possible.*

We suggest that internal or external proposed changes resulting from factors/events such as described above be submitted to FWP Wildlife Division by 15 July. Any proposals submitted would be reviewed internally, and if determined to be appropriate, have merit, or wide public support, would be forwarded to the FWP Commission for their consideration at the August Commission meeting to adopt as tentative proposals for public comment. The Commission would take final action at the September Commission meeting on these proposals." Changes to objectives and/or regulation packages would

then be in place to guide Commission action during the general season setting process in December and February of each year.

4. Concerns about renaming the "Gallatin Closed Area" the "Gallatin Special Management Area" and opening it to hunting by issuing 5 either-sex elk permits in 2005.

FWP proposed to accomplish this change for the 2005 hunting season. Seven responses from the public opposed this proposal and 3 responses supported this proposal.

RESPONSE: *FWP has dropped the proposal in the Final Elk Management Plan to implement this change for the 2005 hunting season. FWP will establish a public working group representing the interests surrounding future management of the Gallatin Closed Area. One objective of this group will consider a future proposal to establish the Gallatin Special Management Area. The objective of this proposal is to provide a unique limited entry, high quality hunting experience defined as: 1) an opportunity to harvest a mature bull elk; 2) a very low hunter density and; 3) an opportunity to hunt from archery through the general season (with the appropriate weapon). Compared to other limited entry options for trophy bulls, opening this new area will not displace hunters to other areas. It also increases opportunity for the general hunting public.*

5. Concern with number of elk and objective levels for elk, locally and statewide.

Sixty-nine comments related to appropriate numbers of elk or objective levels for elk both locally, for EMUs, and statewide. Twenty-five comments generally wanted reduced elk numbers. These comments were most often related to agricultural damage and drought. Hunters generally wanted more elk. Forty-four comments preferred higher objectives for elk numbers in various locations.

RESPONSE: *In the process of completing the Draft Elk Management Plan, FWP attempted to balance the concerns of agricultural producers, hunters, elk viewing opportunities, and the health of the environment (vegetation, soil, and water). There was substantial public involvement in this process. This balance can never be 100% satisfactory to everyone and objective levels may change with circumstances as described in 3. (above). A few relatively minor changes were made in elk population objectives for the Final Elk Management Plan. Objectives for the number of elk counted during post-season aerial surveys were changed from 900 to 950 elk for the East Big Belt EMU, from 3,600 to 3,500 for the Little Belt EMU, and from 625 to 600 for the Castle EMU. Additionally, the objective was increased from 6,500 to 7,000 elk observed during post-season aerial surveys for the Gravelly EMU and the range for change from the Standard Regulation Package was decreased from 20% to 15% of objective numbers in the Gravelly EMU.*

Other EMUs where there were more than single responses of concern about elk population objectives included the Elkhorn EMU, the Bitterroot area EMUs, the Custer Forest EMU, and the Northern Yellowstone EMU.

FWP is also concerned about recent trends in elk numbers in the Northern Yellowstone EMU. In the Final Elk Management Plan, objectives for number of elk counted during early winter are only for elk wintering north of Yellowstone National Park, not the entire population. Also, a new criterion (level of calf recruitment) for changing Regulation Packages was established. Restrictive Regulations will be recommended when elk calf recruitment is below 20 calves:100 cows for 3 consecutive years. Greater separation between Regulation Packages in number of permits issued for the Gardiner Late Hunt was also implemented for the Final Elk Management Plan. The Standard Package is 1,000-2,000 antlerless permits, the Restrictive Package is less than 500 permits, and the Liberal Package is more than 2,500 permits. As a result of this change in the Final Elk Management Plan, FWP recommended 100 antlerless permits for the 2006 Gardiner Late Hunt.

Any potential changes to objectives for the Elkhorn EMU should come after several ongoing investigations are completed and further Working Group discussions have occurred. These discussions need to include an equitable mix of all interested stakeholders. Numbers of elk counted in the Elkhorn EMU were changed for 1983, 1984, and 1985 in the graph in the Final Elk Management Plan to represent a consistent method of presenting data.

A Community Working Group has been established for the Bitterroot area EMUs and several meetings have already occurred. Changes to objective levels as described in Issue 3. (above) could occur when this working group achieves a balanced consensus.

Valid elk population monitoring has not been established in the Custer Forest EMU. FWP is committed to establishing a valid monitoring program there. Once valid survey protocols are implemented, changes in objective levels (if any) can be recommended on a more informed basis.

6. Safety concerns about archery and rifle seasons open at the same time in HDs 390 and 411 and safety concerns with rifle hunting in the Fort Ellis/Mount Ellis areas of Region 3.

Few areas are affected by this concern, but some public concern has always been raised when archery and general or limited rifle hunting occur at the same time and place or when rifle hunting occurs near residences. Four comments were received related to this issue.

RESPONSE: *Permits issued in HDs 390 and 411 are valid only outside the National Forest (generally private lands). These are generally areas where FWP is trying to reduce elk numbers because of landowner concerns. Landowners can control the presence/absence of both hunting groups at the same time by their choices in granting*

permission to individual hunters. Even on National Forest lands, black bear and upland game bird hunting has coincided with archery season and other outdoor recreational and work activities for years. All hunters need to be aware that other people, whether hunters or not, are living, working, and recreating on the same lands during all hunting seasons.

The FWP Commission created a new hunting district (HD 309) in the Gallatin Valley that encompasses and expands the former Gallatin Valley weapons restricted area in HDs 301, 311, 312, and 393. This new HD with weapons restrictions will include some, but not all of the areas of concern in the Mount Ellis area. Hunting will be by archery equipment, shotgun, traditional handgun, muzzleloader, or crossbow only.

7. Concerns about using unadjusted elk counts instead of population estimates as management triggers for Regulation Package changes. Concerns that using counts is a method of increasing population objectives. Concern about the meaning of the word "population". Concern about meeting the requirements of SB 209 (estimating elk populations).

There seems to be much confusion about the necessity of estimating exact "true" elk population numbers versus using a population index (unadjusted number of elk counted during aerial surveys) to make elk management recommendations. Valid changes in Regulation Packages can be made based on changing index numbers, but some individuals/groups apparently want "exact, true" numbers estimated for purposes of receiving compensation for forage use or allocating forage between livestock and wildlife. Eleven comments were received related to this issue.

RESPONSE: *These issues were discussed in the Draft Elk Management Plan and EA, but concern and confusion remains. Some believe that all objectives in the 1992 Elk Management Plan were based on estimated elk populations. This was NOT the case, most objectives were for counted elk numbers as used in the Revised Elk Management Plan. As stated in the Draft Elk Management Plan, " objectives for elk numbers in the 1992 Plan were a mixture of inconsistently estimated total numbers and actual counted elk numbers." Further, where objectives were for estimated numbers of elk, no method of how estimates were derived were presented in the 1992 Plan. There was no way to go back and use the same methods. Additionally, where numbers were estimated, no consistent methods were likely used. The Revised Elk Management Plan uses the same consistent criteria for all areas.*

Counts are always less than the "true" total population, but will rise and fall as the "true" population changes. Thus, in all EMUs, objective levels for elk counted will be consistently used as "trigger" levels to recommend Liberal Regulations as number of elk counted (and total population) increases and recommend Restrictive Regulations when number of elk counted (and total population) decrease. Thus, objectives for numbers of elk counted are consistently used as an index to determine when to recommend Regulation Packages to increase, decrease, or maintain the number of elk compared to current levels.

There was concern that the word "population" was being misused and should only be used to represent all the elk. FWP agrees that the word "population" can and has been misused or used to represent a variety of meanings. That is one reason we have replaced the word "population" used in many places in the 1992 Elk Management Plan with the phrase "number of elk counted". In much of the 1992 Plan, "number of elk counted" was the correct meaning rather than the word "population". Where "Population" is used in the Revised Elk Management Plan it is intended to describe a category to contrast with other categorical areas (e.g. Habitat). Thus, "Population Objectives" is intended to refer to characteristics (number sampled, proportion of sample male or female, age of sample, etc.) associated with "a group of individual persons, objects, or items from which samples are taken for statistical measurement".

There was also confusion about the application of SB 209 to the Revised Elk Management Plan. The Revised Elk Management Plan uses "number of elk counted" as an immediate index to elk population levels and to provide "trigger" levels to recommend Regulation Package changes intended to modify the elk population level. This level and its changes are indexed year-to-year by the number of elk counted. The "number of elk counted" is a management "trigger" level, NOT an estimate of total elk population. FWP is complying with SB 209. Population estimates by species (including elk), hunting district, and Region can be found on the FWP website at www.fwp.mt.gov/hunting/planahunt. Because of the method of estimation based on harvest, these estimates can only be produced about 6 months later than the management "triggers" provided by "numbers of elk counted". The estimated total post-season number of elk statewide provided by this method of estimation when summed by Region for 2003-04 was 138,318 elk. This compares to the estimated range of 130,000-160,000 (midpoint 145,000) provided in the Draft Revised Elk Management Plan and EA.

8. Concerns about wolves and other predators.

The effects of predators, especially wolves, on elk and other ungulate populations continue to be one of the major areas of concern among much of the public. Two individuals expressed the opinion that the presence of wolves added to their hunting /outdoor experience. Twenty-one respondents expressed concern about the effects of wolves and other predators on elk. Most believed that wolves were reducing elk numbers and affecting elk distribution and that some form of wolf control should occur or that NO wolves should be present.

RESPONSE: *This issue was thoroughly discussed in the Draft Revised Elk Management Plan and EA and is generally beyond the scope of the EA. Actions proposed by some of the responding public were illegal or beyond the scope of FWP authority. When delisted, wolves will be managed via prescriptions in the Montana Wolf Management and Conservation Plan. Status of elk populations could be one factor in management prescriptions for wolves as listed in the Montana Wolf Management and Conservation Plan.*

9. Where are cumulative effects discussed?

RESPONSE: *One respondent wanted to know where cumulative effects were discussed. There was no separate section in the EA for Cumulative Effects. Discussion and analysis of possible cumulative effects were scattered throughout the document. Cumulative effects were mentioned/discussed/analyzed on the following pages of the EA: 20, 21, 23, 58, 59, 61, 62, 64, 66, 67, and 71. All potential cumulative effects identified were either small or we were uncertain whether they would occur.*

10. FWP discussion and recommendations for habitat management for elk were weak.

A number of individuals and groups expressed disappointment with what they viewed as "weak" coverage of habitat issues in the Draft Revised Elk Management Plan. Many expressed the opinion that specific habitat prescriptions in the Elk Management Plan should "dictate" to the USFS and other land management agencies what they should and should not do regarding habitat management and manipulations. Twenty-four comments referred to habitat-related issues, including timber management, grazing by domestic livestock and elk, weeds, WMAs.

RESPONSE: *The general philosophy, goals, and objectives of FWP regarding habitat management for elk were presented and discussed throughout the Draft Revised Elk Management Plan and EA. Some EMUs included specific recommendations, but FWP prefers to be flexible regarding specific recommendations to take advantage of new information that may become available. Land management agencies are well aware of FWP's philosophies of habitat management for elk in local areas. Additionally land management agency wildlife biologists provide their own recommendations to their agencies. Further, management restrictions for grizzly bear and other threatened or endangered species usually take precedence over recommendations based on elk management. FWP biologists will continue to respond to land management agency proposals affecting habitat for elk and other species on a case-by-case basis for specific areas and specific actions. FWP will continue to recommend habitat management that either benefits elk or propose modifications that reduce detrimental effects on elk and elk management.*

11. Concern whether objectives for elk take drought into account.

Primarily agricultural interests expressed concern about the appropriate objective level for elk relative to the effect of drought in Montana. In addition to drought-related comments included in Issue area 5. (above), 6 other comments referred to drought effects on elk.

RESPONSE: *To some extent, population objectives for elk take the current drought period into effect, though not as much as some would prefer. Population objectives can be changed for a variety of reasons through the process described in 3. (above). Many elk populations are currently above desired levels regardless of drought conditions. The*

Revised Elk Management Plan is an attempt to test methods for reducing these populations regardless of the reason. Therefore, tests of the effectiveness of various Regulation Packages are necessary to achieve either reductions or increases in elk numbers regardless of the reason these decreases/increases are desired. Thus, within several years FWP hopes to have established effective regulations that could accomplish a reduction in numbers should a reduction due to continuing drought (or any other reason) become an objective.

12. No new and innovative program to solve the access problem was presented in the Draft Elk Management Plan.

Many people recognized that access for hunters is a major factor in success of achieving objectives for elk. As discussed in the Draft Revised Elk Management Plan and EA, FWP recognizes this as well. Thirty-four respondents mentioned access issues, including ATVs, retrieval, roadless areas, Block Management, and private and public land access.

RESPONSE: *Hunter access to animals on private and public lands is a key to successful wildlife population management. The most innovative regulations will not achieve their objectives if hunters do not have access to animals that need to be harvested. As discussed in the Draft Revised Elk Management Plan, Montana has been at the forefront of the hunter access issue through the Hunting Access Enhancement Program (including the Block Management Program), the Private Land/Public Wildlife Council, Community Working Groups, acquiring conservation easements that include access provisions, and fee title acquisitions. FWP will continue to work with landowners, land managers, and the public to enhance hunting access. However, these efforts will be much broader than just application to elk management and the overall issue of hunter access is beyond the scope of the Elk Management Plan.*

ALTERNATIVE SELECTED

Two alternatives were presented and the effects of each alternative were fully analyzed in the EA: Alternative A (No Action) and Alternative B (Adaptive Harvest Management). These alternatives were also described and summarized earlier in this Decision Notice. Analysis of impacts in the EA determined that none of the potential effects associated with either alternative would have a significant impact on the physical environment or human population of Montana and that an Environmental Impact Statement was not required.

I have selected Alternative B (Adaptive Harvest Management) with the minor modifications described in the issues and responses section for the following reasons:

- 1.) Alternative B (Adaptive Harvest Management) provides the best opportunity to meet FWP objectives of: a) new strategies to achieve elk population objectives, b) improved monitoring of elk population trend and sex and age ratios, c) improved hunter access to private lands, and d) improved public information. Alternative A

(No Action) would be unlikely to fully achieve FWP elk management objectives listed above, or do so in a timely manner.

- 2.) The EA determined that no significant impacts, individually or cumulatively, to the natural or human environment would occur as a result of implementation of Alternative B (Adaptive Harvest Management). Proposed changes in elk populations, hunter harvest, elk grazing pressure, and other associated factors fall within historical levels existing since 1992. Potential impacts to income of landowners, private businesses, and FWP are minor compared to annual fluctuations due to other sources.
- 3.) Adequate public comment and analysis of the issues did not identify consequences or reasons compelling FWP not to implement Adaptive Harvest Management. Further, 29 of 37 members of the responding public who expressed a preference for the Alternatives favored the selected alternative (B - Adaptive Harvest Management). Minor changes (described in the Issues and Response section) were made to Alternative B (Adaptive Harvest Management) for the Final Elk Management Plan to accommodate concerns of the public.

Final Decision

Based on the analysis in the attached EA and the applicable laws, regulations, and policies, I have determined that this action will not have significant effect on the natural or human environment. Therefore, the EA is the appropriate level of review and an environmental impact statement will not be prepared. Based on information in the EA and public comments received, it is my decision to implement the preferred alternative (Alternative B – Adaptive Harvest Management) as amended in this decision. This decision will be implemented through FWP Commission decisions on recommendations made for elk hunting regulations by FWP biologists during the normal annual hunting season setting process. This process includes opportunity for public comment.

By notification of this decision the Draft EA is hereby made the Final EA as modified in this decision. The Final EA may be viewed at or obtained from Montana Fish, Wildlife, and Parks at 1420 East 6th Ave., Helena, MT 59620. This decision will be presented to the Montana Fish, Wildlife and Parks Commission at their meeting scheduled for February 10, 2005.



M. Jeff Hagener
Director
Montana Fish, Wildlife, and Parks

Please direct any questions to:

Gary Hammond

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Montana

Final Elk Management Plan

January 2005



***Montana Fish,
Wildlife & Parks***

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Management objectives for elk considered objectives in FWP species management plans for mule deer, black bear, mountain lion, grizzly bear in southwestern Montana and the Montana gray wolf conservation and management plan. A management plan for white-tailed deer is in preparation, a management plan for bighorn sheep is in the planning stage and updates of the black bear and mountain lion plans will be completed when current research projects are completed. As discussed earlier, HB 262 establishes FWP policy regarding managing large predators in relation to large game species.

Establishing Number Objectives for Elk

The public questions how number objectives for elk populations and EMUs are established. For specific EMUs and populations, some believe the number objectives are too low and some believe they are too high. Without a firm biological basis for setting the objective, one opinion is as valid as another. In the 1950s, 1960s and early 1970s, specific number objectives were not set, but a biological based method was used to classify the elk population as too high, too low or "about right" based on forage use transects. After about 30 years, it became apparent that this method was not realistic. Subsequent elk population and forage changes have generally indicated that in many areas elk populations could be sustained at much higher numbers than our assumptions about forage indicated. We have not established alternative forage-based models.

An alternative model based on calf recruitment rates as a surrogate for the forage quantity/quality/nutrition model has also been followed, at least in some areas. The premise behind this model was that recruitment at levels below about 20 calves:100 cows west of the continental divide and 35 calves:100 cows east of the continental divide indicated nutritional deficiencies and overuse of the forage resource. Thus, at observed recruitment below these levels an elk population reduction was indicated to reduce competition for forage. Although in theory this model has potential, in practice, it has not been very predictive. Hindsight has shown that some early periods of low calf recruitment occurred at elk densities a quarter or half of later elk densities with much higher recruitment. With this model, low recruitment due to density-independent effects of weather and predation may often falsely indicate that long-term forage effects have occurred. Another problem with both models mentioned is that the substantial annual variation in forage production obscures potential elk number/forage relationships. Substantial reductions in elk numbers proposed for some areas in this elk plan revision would allow further testing of density effects on calf recruitment.

In practice, elk number objectives have been or will be established using the following considerations.

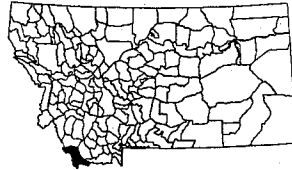
1. The history of long-term trend counts and discussions with landowners on many areas indicate to biologists at what count level and under what conditions agricultural damage complaints become more frequent or excessive. Objectives for number of elk counted will be established below levels of excessive damage problems. For other areas, especially on public lands in northwestern Montana, elk numbers are below levels sustained in the past. There, FWP objectives for elk numbers may be above current levels.

2. Input from sportspersons, public land managers, and the general public will also be considered.
3. Increasingly, in problem areas, Community Working Groups are formed to help all stakeholders come to consensus about objectives for elk numbers and potential solutions to elk management problems in the area.
4. FWP has come to recognize that in some areas and for some elk populations, demand for antlerless harvest with current regulations is less than is necessary to reduce the elk population from current levels to the objective. A substantially more liberal regulation package than traditionally used may be necessary to reduce the elk populations to objective levels. Once objective levels are met, regulations can be modified to maintain stable populations under average environmental conditions. These objective levels may be lower than ecological potential and driven more by sociological tolerance.
5. Elk populations in portions of some EMUs may be almost entirely inaccessible to hunters during the general hunting season or accessible to only a few hunters. To avoid over-harvest of accessible elk on public lands or private lands open to hunting, the inaccessible elk may not be included in objective numbers. Trend count number objectives may include only elk normally accessible to general hunting (if they are a distinct segment), though hunter access negotiations will continue. Elk occupying these "refuges" may be counted separately where practical (if they are a distinct segment) and sub-objectives established that could be operative if access negotiations are successful. If significant harvest of these "refuge" elk is possible with special management at some times and locations, they should be included in objective levels.

During winter and spring 2004, FWP biologists contacted many members of the public in various ways to discuss drafts of Elk Management (EMU) objective numbers for elk and proposed regulation packages. Comments received through these discussions were considered in writing the EMU Plans. EMU objectives and regulation packages were discussed at 54 meetings related to the 2004 season-setting process, with 18 Sportspersons Groups, with 7 Working Groups, with 45 individual sportspersons, with 23 outfitters, with 4 landowner/outfitters, and with 288 landowners in elk habitat.

It is apparent in many areas, especially with significant elk use of private land, that the ecological potential for elk numbers is substantially above the numbers sustainable based on landowner tolerance. For these areas, the expectations of private landowners will be an important component in establishing objectives for elk numbers.

TENDOY EMU
(Hunting Districts 300, 302, and 328)



Description: Located immediately southwest of Clark Canyon Reservoir, this 1,028-square-mile EMU extends from Interstate 15 to the Continental Divide along the Idaho border between Monida Pass and Lemhi Pass. Scattered timber cover, moderate road densities, and moderate to steep topography characterize most of the area. Elk use about 70% of this EMU at some time during the year. Of land used by elk, 56.6% is administered by the U. S. Forest Service – Beaverhead National Forest (USFS), 23.6% by USDI – Bureau of Land Management (BLM), 5.7% by Montana Department of Natural Resources and Conservation (DNRC), and 14.1% is private land.

Public Access: Public hunting access in the EMU is generally good, with several notable and significant exceptions. Recently, several nonresident landowners have closed large acreages of private land to public access, thus providing a “refuge” for elk.

Elk Populations: Elk population trend counts (Figure 1) indicate that elk numbers are within elk plan objectives, with the exception of HD 328, where the objective for elk counted is 700 elk and we observed 919 elk in 2003. However, about 500 of these elk have found a “sanctuary” on private land closed to hunting in Trail Creek and are not accessible to hunters to achieve the reduction in numbers targeted by any FWP harvest regulation. Trend counts were down considerably in 2004, however counting conditions were considered poor and the elk population likely did not decline to the extent portrayed in Figure 1.

Recreation Provided: This EMU provided an average of 15,515 days of hunter recreation for 3,200 elk hunters annually during 1999-2001. This is significantly higher than was recorded a decade ago, when a total of 8,500 days of hunter recreation was provided for 1,700 hunters. This increase in hunters and hunter days has not been able to affect a population reduction to objective level in HD 328 because of the private land “refuge” there.

Wintering elk can be observed from I-15 near Lima, State Highway 324, the Little Sheep Creek Road, and at various locations along the Medicine Lodge Scenic Byway.

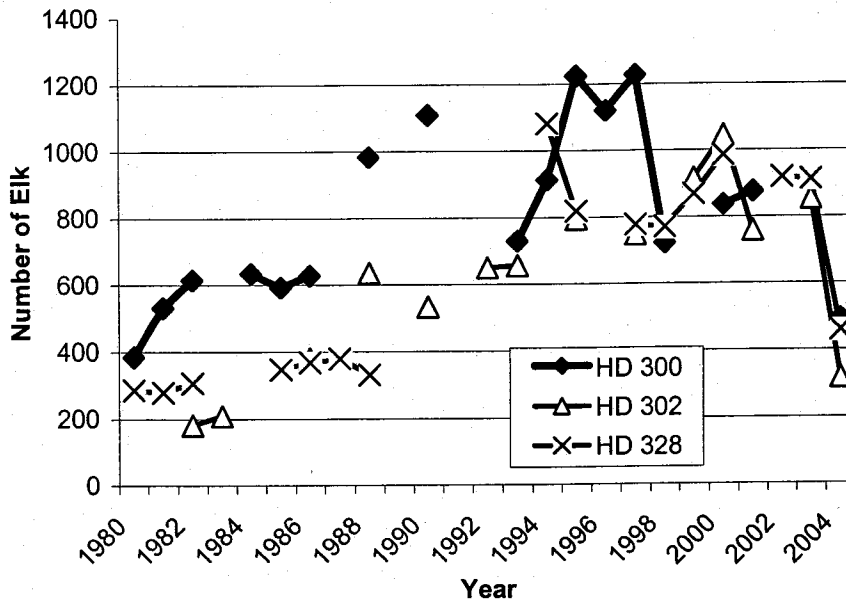


Figure 1. Number of elk counted during post-season aerial trend counts in HDs 300, 302, and 328, 1980-2004.

Current Annual Elk Harvest: During 1999-2001, an average 754 elk, including 388 antlered and 366 antlerless elk, were harvested in this EMU annually.

Accomplishments: A total of 6 Block Management Areas and one conservation easement were established in this EMU. A total of 62,000 acres are under Block Management contract, and 14,650 acres are included in the Dragging 'Y' Conservation Easement in the Tendoy and Pioneer EMUs.

Management Challenges: The primary management challenge is negotiating hunter access to elk inhabiting HD 328. Specifically, providing access to those elk finding "refuge" on private land in Trail Creek, where they are unavailable for management. Similarly, elk inhabiting private lands in the north end of the Lima Peaks are finding a de facto sanctuary there as well

A chronic depredation problem occurs in the southeast portion of HD 302, where elk cause crop damage in late summer/early fall during dry years. We have addressed this problem with a combination of herders and early and late seasons. These approaches have provided limited success.

Hunter crowding has increased during the last decade, with hunter numbers and hunter days nearly doubling during that period.

Population Monitoring: Complete coverage fixed-wing aerial surveys of elk winter range are conducted annually in the three HDs comprising this EMU. During open winters, when elk are not concentrated on traditional winter ranges, or when some elk remained in Idaho, survey data was too incomplete to provide population trend information in both HDs 300 and 328. In those years, flight data were only useful for sex/age classifications. The proportion of bulls also may not be accurately represented in these years.

SUMMARY OF PUBLIC COMMENT

Complaints about excessive numbers of hunters are one of the most common comments received for this EMU. Hunter shift into this EMU is a result of liberalized seasons, elk population density, the observability of elk in this open country, and increasingly restricted hunting seasons in other hunting districts and regions. Some hunters seem to be selecting for the particular hunting opportunities they find in this EMU, as evidenced by the significant increase in both hunters and hunters days over the past decade.

Another significant issue is the portion of the elk population in HD 328 (Trail Creek) that is spending the hunting season on property closed to hunting. Hunters express frustration about the loss of hunting opportunity and some neighboring landowners express frustration with the game damage that results from this situation.

MANAGEMENT GOAL

Manage elk populations within biological and social tolerances, and cooperate with land managers in the management of elk habitat with an emphasis on maximizing hunter opportunity while providing for the biological needs of elk.

HABITAT OBJECTIVE

Continue to participate in cooperative programs that encourage public and private land managers to maintain 504,000 acres of occupied elk habitat.

HABITAT MANAGEMENT STRATEGIES

FWP will:

- Evaluate proposed logging, grazing, mining, residential subdivisions, and recreational developments with regard to their potential impacts on elk and their habitat.
- Provide technical assistance to appropriate State and Federal Agencies that will help evaluate the potential effects of the National Fire Plan on elk and their habitats.
- Cooperate with all land management agencies to provide input into travel planning.
- Identify potential projects that will preserve open space and traditional agriculture through the use of conservation easements.

- Work with public and private entities to promote livestock grazing practices that benefit vegetation, soils, and wildlife. A variety of private landowner incentives should be considered to protect important wildlife habitats on private lands.
- Work with public land managers to maintain important security habitat in this low security environment.

GAME DAMAGE STRATEGIES

FWP will:

- Address chronic game damage in a portion of HD 302 by the use of A-9/B-12 antlerless licenses valid during the period from 15 August to 15 February.
- Maintain lines of communication with the private landowner or his manager on the "refuge" that exists in Trail Creek (HD 328), and also with the nonresident landowner in the Lima Peaks and Little Sheep Creek country. Through these conversations, try to gain access for hunters to achieve elk population reduction.

ACCESS STRATEGIES

FWP will:

- Continue to pursue potential solutions to the hunter access problem in Trail Creek of HD 328.
- Continue as a cooperator in the development of the Southwest Montana Interagency Access and Travel Plan.

POPULATION OBJECTIVES

- 1.) Maintain the number of elk observed during post-season aerial surveys between 1,800 – 2,300 elk in hunting districts 300, 302, and 328. This EMU objective includes 700-900 elk in HD 300, 550-700 elk in HD 302, and 550-700 elk in HD 328 (this number does not include the approximately 500 elk unavailable to hunters in the Trail Creek area in HD 328). If hunter access to significant numbers of these elk could be obtained, the objective would be to reduce that segment by about half.
- 2.) Maintain at least 10 bulls:100 cows in the total elk observed during post-season aerial surveys.

POPULATION MANAGEMENT STRATEGIES

REGULATION PACKAGES

Six-week either-sex archery regulation (HDs 300 & 328) or brow-tined bull/antlerless elk regulation (HD 302) EXCEPT, see Restrictive Regulation for Antlered elk and Liberal Regulation 2.) for Antlerless elk.

Antlerless:

The Standard Regulation is: 1.) limited either-sex (HDs 300 and 328) or brow-tined bull/antlerless (HD 302) permits for the 5-week general season OR; 2.) 1-2 weeks general season either-sex (HDs 300 and 328) or brow-tined bull/antlerless (HD 302) regulations. [Limited A-9/B-12 antlerless licenses (B-tags) may also be recommended in combination with the above options].

The Standard Regulation will be recommended if: the number of elk observed during post-season aerial trend surveys is within the HD objective range.

The Liberal Regulation is: 1.) 4-5 weeks general season either-sex (HDs 300 and 328) or brow-tined bull/antlerless (HD 302) regulations OR; 2.) 5-week general season antlerless ONLY regulation. [Limited A-9/B-12 antlerless licenses (B-tags) may also be recommended in combination with the above options]. Archery regulations will also be Antlerless ONLY.

Liberal Regulation 1.) (above) will be recommended if: the number of elk observed during post-season aerial trend surveys is above the maximum HD objectives.

Liberal Regulation 2.) (above) will be recommended if: after 2 consecutive years of application of Liberal Regulation 1.) (above) the number of elk observed during post-season aerial trend surveys remains above the maximum HD objectives.

The Restrictive Regulation is: limited either-sex (HDs 300 and 328) or brow-tined bull/antlerless (HD 302) permits valid for the 5-week general season.

The Restrictive Regulation will be recommended if: the number of elk observed during post-season aerial trend surveys is below the minimum HD objectives for 2 consecutive years.

Antlered:

The Standard Regulation is: 5-week general season either-sex (HDs 300 and 328) or brow-tined bull/antlerless (HD 302) regulations.

The Standard Regulation will be recommended if: the bull:100 cow ratio observed during post-season aerial trend surveys is at least 10:100

The Restrictive Regulation is: 1.) 5-week general season brow-tined bull regulation (HDs 300 and 328) OR; 2.) unlimited permits for brow-tined bulls by HD OR; 3.) limited antlered bull permits. ARCHERS WILL ALSO BE REQUIRED TO APPLY FOR THE UNLIMITED AND LIMITED PERMITS.

1.) A brow-tined bull regulation will be recommended if: the bull:100 cow ratio observed during post-season aerial trend surveys is less than 10:100 for 2 consecutive years. If a Restrictive

Regulation is implemented, and the post-season aerial classification reaches 15 bulls:100 cows or greater for 2 consecutive years, a Standard Regulation would again be recommended.

2.) Unlimited permits for brow-tined bulls by HD will be recommended if: after 2 consecutive years of application of brow-tined bull regulations the bull:100 cow ratio observed during post-season aerial trend surveys remains less than 10:100. If the post-season aerial classification reaches 15 bulls:100 cows or greater for 2 consecutive years, a brow-tined bull regulation would be recommended.

3.) Limited permits for antlered bulls will be recommended if: the bull:100 cow ratio observed during the post-season aerial trend survey remains less than 10:100 after 2 consecutive years of application of unlimited permits.

MONTANA DEPARTMENT OF FISH WILDLIFE AND PARKS
HUNTING SEASON/QUOTA CHANGE SUPPORTING INFORMATION

Species ELK Region 2 Hunting District 283-02 Year 2006

1. Describe proposed season change and give summary of prior history (i.e. prior history of permits, season types etc.).

Create HD 283-02, a portion of the district that generally is defined by the Rattlesnake Wilderness.

AND 5 EITHER-SEX PERMITS

Issue 75 Antlerless Elk Permits to be valid for the Rattlesnake Wilderness only for September 15, 2006 through November 26, 2006.

Allow successful applicants for these permits to purchase an A9/B12 license valid in this area within the permit dates.

Antlerless permit numbers are currently at 300 in HD 283-00 and at 125 in HD 283-01. (note graph)

2. Why is this proposed change necessary?

FWP proposes this early antlerless elk season to achieve MT Elk Plan objectives and to also help address game damage problems in the Grant Creek area of the Missoula Valley. Access to these elk during the general season is very difficult, because of very limited access to private lands and very limited vehicular access to public lands (Rattlesnake Wilderness). In spite of increased antlerless permits and two late season damage hunts on three ranches this herd (252 counted during Spring 2005 surveys) is growing at 17% annually. Without an effective harvest this population is doubling every 5 years (note graph). This herd has been the fastest growing segment of the elk population in HD 283, and currently represents about 41% of all elk observed during aerial surveys there. These antlerless permits and A9/B12 licenses will be valid in a 70 sq mi area occupied by most of the Grant Creek elk herd (as defined by radio telemetry) during the summer/fall seasons, and represents approximately 19% of HD 283.

3. What is the current population status in relation to management objectives? Provide prior years of survey, harvest, or other related information.

The objective for this district is to stabilize the number of observed elk at 500 (between 400 and 600 animals). We saw 611 elk during 2004 surveys. Populations (several) are relatively high in most of HD 283 (see attached charts), but with the exception of the Grant Creek herd they all have been stabilized. The Grant Creek Herd continues to grow at a high rate in spite of increased permits and harvests across the rest of HD 283. Winter range for this herd is in the Missoula Valley on private ranches, bordered by extensive residential subdivisions. Consequently, little hunting is allowed there. The summer/fall range for this particular herd is primarily on the Lolo National Forest within the Rattlesnake Wilderness and National Recreation Area. It is in this area that FWP has the best opportunity for exercising enough harvest to control the Grant Creek elk herd by implementing this proposal.

The Lolo NF expressed concerns about potential impacts from increased horse use in the Wilderness. To address that concern, FWP is proposing: 1) to offer the opportunity for a single hunter to harvest 2 antlerless elk (A-9/B12 license plus the antlerless elk permit) beginning in mid September (reducing the total number of hunters in the Wilderness), 2) to provide a large enough area that some hunters can access it on foot, and 3) to exclude a portion of the Wilderness (Boulder Lake and Fly Lake area), where the USFS is most concerned about horse use.

This proposal also considers the vulnerability of the Mt Jumbo elk herd, which occupies a portion of the Rattlesnake to the east of the Grant Creek herd. The Mt Jumbo herd is stable at <70 elk and is hunted regularly. It benefits from the Mt Jumbo Campaign of 1996 and 1997, in which FWP, City of Missoula, Lolo National Forest, RMEF and Five Valleys Land Trust jointly acquired 1700 acres to protect the herd's winter range from residential development. Because this herd is small, already hunted and vulnerable to additional harvest, the area it occupies in the Rattlesnake has been excluded from this proposal.

FWP expects to continue with late season hunts on three of the ranches the Grant Creek herd uses during the winter in the Missoula Valley, as long as the ranchers and the homeowners in the area continue to support that option.

4. Provide pertinent information related to any weather/habitat factors that have relevance to this change (i.e. habitat security, hunter access, vegetation surveys, weather index, snow conditions, temperature/precipitation information)?

Warm dry fall weather has precluded good general season harvests in the Missoula area, particularly where access is limited. Warm dry winters have improved natural survival and made late season hunts less successful than they might have been.

5. Briefly describe the contacts you have made with individual sportsman or landowners, public groups or organizations regarding this proposal and indicate their comments (both pro and con).

FWP met with the three ranchers in the Missoula Valley most impacted by high elk numbers. They approve of this proposal, as late hunts have not been effective. Last fall and this spring FWP also met with several homeowners in the Grant Creek area, who suggested that FWP try to harvest more elk on public lands, rather than near residential subdivisions. In addition, FWP met with the Lolo National Forest, National Wildlife Federation, and Rocky Mountain Elk Foundation, to discuss this proposal. While all parties were supportive of this proposal, the National Forest expressed concerns about additional horse use in the Rattlesnake Wilderness.

Submitted by: Bob Henderson

Date: October 15, 2005

Approved:

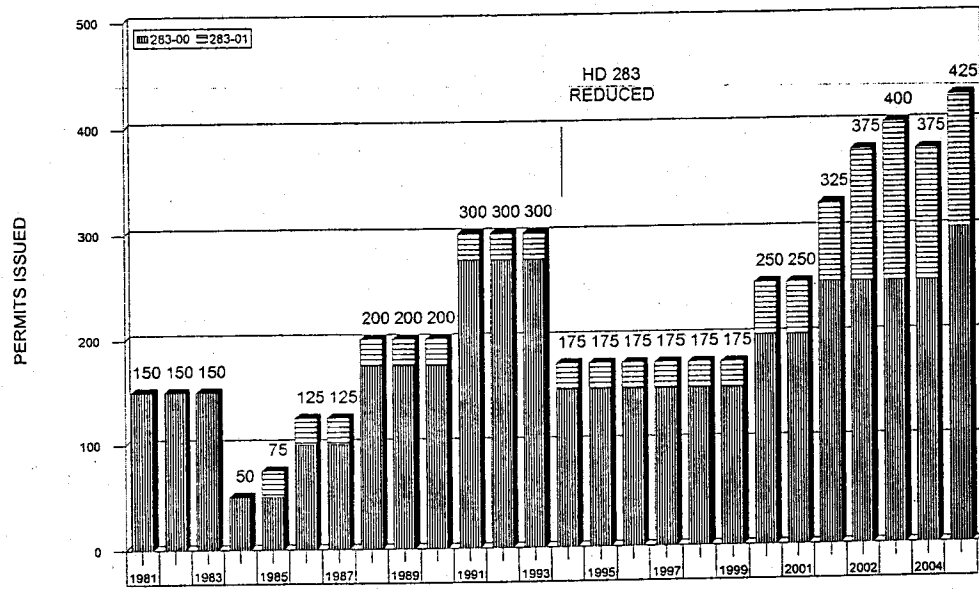
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Regional Supervisor/Date

Disapproved/Modified by:

Reason for Modification:

ELK ANTLERLESS PERMITS

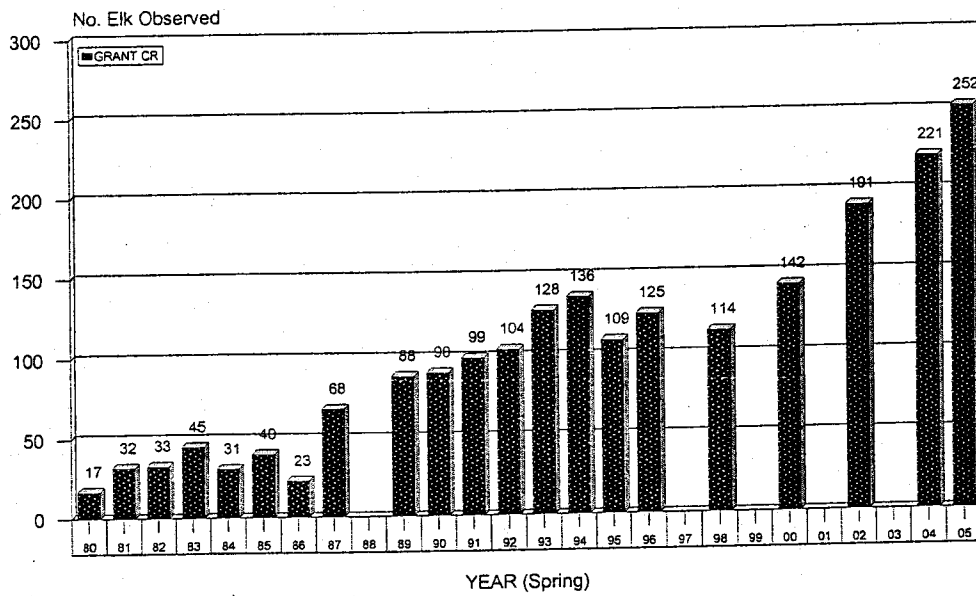
HD 283



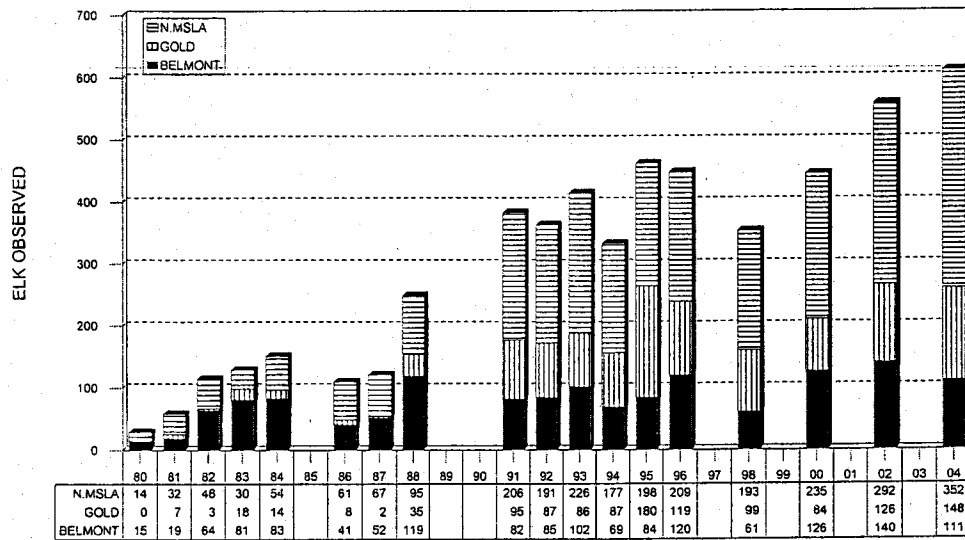
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Trends of Elk Observed in Grant Creek

During Aerial Surveys



ELK TREND FLIGHTS HD 283



North Missoula is composed of 3 herds. The largest is the Grant Cr. herd, which in 2004 comprised 221 of the 352 elk observed.